

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROBERT DINGLE, JR.,

Plaintiff,

**MEMORANDUM & ORDER**

20-CV-183 (EK) (LB)

-against-

UNITED STATES DEPARTMENT OF  
EDUCATION,

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Bloom's Report and Recommendation ("R&R") dated March 15, 2023. ECF No. 73. Judge Bloom recommends that I grant the United States Department of Education's ("DOE") motion to dismiss plaintiff Robert Dingle's claims for lack of subject-matter jurisdiction, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Bloom's recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, DOE's motion to dismiss is granted. Dingle's amended complaint is

dismissed without prejudice. The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: April 30, 2023  
Brooklyn, New York